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Paper No. 8

STERNE, KESSLER, GOLDSTEIN & FOX PLLC
1100 NEW YORK AVENUE, N.W., SUITE 600
WASHINGTON DC 20005-3934

In re Application of
Ashley I. Bush, Rudolph E. Tanzi, Mikhal Xilinas, and
Robert Cherny
Application No. 09/972,913
Filed: October 10, 2001
Attorney Docket No. 0609.4540003
Title: USE OF CLIOQUINOL FOR THE THERAPY
OF ALZHEIMER'S DISEASE

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MAR 14 2003

OFFICE OF PETITIONS

DECISION ON PETITION

This is a decision on the renewed petition pursuant to 37 C.F.R. §1.47(a)¹, filed on September 11, 2002², and the petition under 37 C.F.R. §1.137(b), filed on September 24, 2002.

The petition under 37 C.F.R. §1.47(a) is **GRANTED**.

The petition under 37 C.F.R. §1.137(b), which is properly treated as a petition under 37 C.F.R. §1.181 to withdraw the holding of abandonment, is **GRANTED**.

The original petition was filed along with the above-identified application on October 10, 2001³. This original petition was dismissed via a decision mailed on February 11, 2002, for failure to submit an oath or declaration which compiled with the requirements of 37 C.F.R. §1.63.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

¹A grantable petition under 37 C.F.R. §1.47(a) requires:

- (1) the petition fee of \$130;
- (2) a surcharge of either \$65 or \$130 if the petition is not filed at the time of filing the application;
- (3) a statement of the last known address of the non-signing inventors;
- (4) proof that diligent efforts have been made to locate the non-signing inventor if he or she cannot be found, and;
- (5) a declaration which complies with 37 CFR §1.63.

²In order to make this reply timely, petitioner has filed a petition for a five-month extension of time.

³The declaration submitted upon filing contains the signatures of three of the four joint inventors, with inventor Xilinas being the non-signing inventor.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the addresses given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

Regarding the petition under 37 C.F.R. §1.181, this petition is granted. On September 16, 2002, the Office mailed a Notice of Abandonment, indicating that the application had gone abandoned for failure to submit a timely reply to the Notice to File Missing Parts, mailed on February 11, 2002⁴. On September 11, 2002, petitioner obtained a five-month extension of time. Accordingly, the renewed petition under 37 C.F.R. §1.47(a) was timely filed. Hence, the Notice of Abandonment is hereby **WITHDRAWN**, as it was sent in error.

After this decision is mailed, the application will be forwarded to Technology Center 1600 for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0011.



Paul Shanoski
Attorney
Office of Petitions
United States Patent and Trademark Office

⁴ The petition fee of \$640.00 has been refunded to petitioner's Deposit Account, as authorized in the petition.



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Dear Mr. Xilinas:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, agent of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Paul Shanoski at (703) 305-0011. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Paul Shanoski
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